

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office action dated January 11, 2005 are respectfully requested in view of the amendments and arguments presented herein.

Entry of the amendments presented herein is respectfully requested.

I. Amendments.

A. To the Specification.

The amendments to the specification are to provide updated priority information for the instant application and to correct obvious word-processing errors.

No new matter has been introduced into the specification as a result of such amendments.

B. To the Claims.

Claims 1-19 and 22-26 are amended.

Claims 20, 21, and 27-30 are canceled.

Claims 31-45 are new.

Support for new claims 31-45 is provided below.

Claim 31 finds support in the specification on page 10, lines 10-12, which states that PEG BTC derivatives are used to attach PEG to proteins through carbamate linkages. Carbamate linkages result from reaction of an amino group, such as that present on a protein or other biologically active agent, with a PEG BTC derivative to form a polymer-active agent conjugate, where the polymer and the active agent are linked via a carbamate bond.

Claim 32 finds support in claim 3, and in the specification at page 10, lines 12-13.

Claim 33 finds support in claim 24, and in the specification at page 10, lines 12-13.

Claim 34 finds support in the specification at page 5, lines 25-26 through page 6, line 2.

Claim 35 finds support in the specification at page 10, lines 9 to 14.

Claim 36 finds support in the specification at page 10, lines 12-14.

Claim 37 finds support in claim 1 and in the Abstract lines 10-13.

Claim 38 finds support in claim 3 and in the Abstract lines 10-13.

Claim 39 finds support in the specification on page 10, lines 12-16.

Claim 40 finds support in the specification on page 2, lines 19-20, and on page 10, lines 10-12.

Claim 41 finds support in the specification at page 10, in the structure following line 2.

Claims 42 and 44 find support in the specification at page 10, lines 13-14.

Claim 43 finds support in the specification at page 5, lines 25-26 to page 6, line 2.

Claim 45 finds support in the specification in Examples 3 and 4, describing formation of mono-, di-, tri-, and tetra-PEGylated conjugates.

No new matter has been introduced into the application as a result of the claims presented herein.

II. Double-Patenting Rejection Under 35 U.S.C. §101

The Examiner has rejected Claims 1-10 and 15-19 under 35 U.S.C. §101. It is the Examiner's position that the subject claims claim the same invention as recited in claims 1-18 of Applicant's prior U.S. Patent No. 6,376,604.

In response to this rejection, Claims 1-10 and 15-19 have been amended such that the claims are no longer co-extensive in scope with the claims in prior U.S. Patent No. 6,376,604. By way of the amendments presented herein, it is submitted that the claims now pending in the application do not conflict with claims issued in Applicant's prior U.S. patent and that the rejection of the claims for double patenting under 35 U.S.C. §101 has been overcome.

III. Non-Statutory Double Patenting Rejection

Claims 1-10 and 15-30 stand rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-19 of U.S. Patent No. 6,624,246. Claims 1, 11-14 and 22 stand rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-13 of U.S. Patent No. 6,710,125.

In response to these rejections, enclosed herewith is an executed terminal disclaimer in compliance with 37 C.F.R. §1.321(c). In view of the timely filed terminal

disclaimer enclosed herewith, it is submitted that the Examiner's rejections of the subject claims for non-statutory type double-patenting have been overcome.

IV. Information Disclosure Statement

Submitted herewith is an Information Disclosure Statement for consideration by the Examiner.

V. Conclusion.

In view of the foregoing, the Applicant submits that the claims now pending in the application are patentable. A Notice of Allowance is therefore respectfully requested.

If a telephone conference would expedite the prosecution of the subject application, the Examiner is requested to call the undersigned at (650) 493-3400.

Respectfully submitted,

Date:

April 1, 2005

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